

**REMARKS/ARGUMENTS**

1. In the above referenced Office Action:
  - a. Claims 1-3 and 6-11 have been rejected under 35 USC § 103 (a) as being unpatentable over DeBoer (U.S. Pub. No. 2005/0122899) in view of Luft (U.S. Patent No. 7,680,031);
  - b. Claims 4 and 5 have been rejected under 35 USC § 103 (a) as being unpatentable over DeBoer (U.S. Pub. No. 2005/0122899) in view of Luft (U.S. Patent No. 7,680,031) and in further view of Sato (U.S. Pub. No. 2002/0038379);
  - c. Claims 12-17 and 20 have been rejected under 35 USC § 103 (a) as being unpatentable over DeBoer (U.S. Pub. No. 2005/0122899) in view of Luft (U.S. Patent No. 7,680,031) and in further view of Sultan (U.S. Pub. No. 2003/0154315);
  - d. Claims 18 and 19 have been rejected under 35 USC § 103 (a) as being unpatentable over DeBoer (U.S. Pub. No. 2005/0122899) in view of Luft (U.S. Patent No. 7,680,031) and in view of Sultan (U.S. Pub. No. 2003/0154315) and in further view of Yip (U.S. Patent No. 6,914,905).

The rejections have been overcome, as discussed below, and as such, Applicant respectfully requests reconsideration of the allowability of Claims 1-20.

2. Claims 1-3 and 6-11 have been rejected under 35 USC § 103 (a) as being unpatentable over DeBoer (U.S. Pub. No. 2005/0122899) in view of Luft (U.S. Patent No. 7,680,031). In light of the above amendments, Applicant respectfully submits these rejections are overcome.

Independent Claim 1 has been amended to recite: "...wherein the packet comprises a route indicator field further comprising one or two bits that indicates a link type ... responsive to the packet being received after a time of failure along a communication link between two of the plurality of nodes and in response to a change of state of the one or two bits in the route indicator field to indicate a link failure, accessing an internal bypass table to determine a second route and transmitting the packet along the second route in the system to another node in the plurality of nodes" (emphasis added).

DeBoer is directed to an optical network protection switching method in which protection switching data indicating alternate path information is inserted into two bytes within the path overhead during a failure of the primary path. By contrast, as now claimed in Claim 1, the present application is directed to a system in which one or two bits are used to indicate a link failure, and nodes along the path access internal bypass tables to determine the alternate path.

Luft also does not teach or suggest using one or two bits to indicate a link failure and then accessing internal bypass table to determine the alternate route, as is now claimed in Claim 1. Therefore, Applicant respectfully submits that the combination of DeBoer and Luft does not teach or suggest each and every feature of Claim 1, arranged as they are in the claim. As such, Applicant respectfully requests the Examiner withdraw the 35 U.S.C. 103 rejection of Claim 1.

Claims 2, 3 and 6-11 are dependent upon Claim 1 and introduce additional patentable subject matter. Applicant believes that the reasons that distinguish Claim 1 over the present rejection are applicable in distinguishing Claims 2, 3 and 6-11 over the same rejection.

3. Claims 4 and 5 have been rejected under 35 USC § 103 (a) as being unpatentable over DeBoer (U.S. Pub. No. 2005/0122899) in view of Luft (U.S. Patent No. 7,680,031) and in further view of Sato (U.S. Pub. No. 2002/0038379). Applicant respectfully disagrees with this rejection and the reasoning thereof.

Claims 4 and 5 are dependent upon Claim 1 and introduce additional patentable subject matter. Applicant believes that the reasons that distinguish Claim 1 over the previous rejection are applicable in distinguishing Claims 4 and 5 over this rejection.

4. Claims 12-17 and 20 have been rejected under 35 USC § 103 (a) as being unpatentable over DeBoer (U.S. Pub. No. 2005/0122899) in view of Luft (U.S. Patent

No. 7,680,031) and in further view of Sultan (U.S. Pub. No. 2003/0154315). Applicant respectfully disagrees with this rejection and the reasoning thereof.

Claims 12-17 and 20 are dependent upon Claim 1 and introduce additional patentable subject matter. Applicant believes that the reasons that distinguish Claim 1 over the previous rejection are applicable in distinguishing Claims 12-17 and 20 over this rejection.

5. Claims 18 and 19 have been rejected under 35 USC § 103 (a) as being unpatentable over DeBoer (U.S. Pub. No. 2005/0122899) in view of Luft (U.S. Patent No. 7,680,031) and in view of Sultan (U.S. Pub. No. 2003/0154315) and in further view of Yip (U.S. Patent No. 6,914,905). The applicant respectfully disagrees with this rejection and the reasoning thereof.

Claims 18 and 19 are dependent upon Claim 1 and introduce additional patentable subject matter. Applicant believes that the reasons that distinguish Claim 1 over the previous rejection are applicable in distinguishing Claims 18 and 19 over this rejection.

## **CONCLUSION**

For the foregoing reasons, Applicant believes that Claims 1-20 are in condition for allowance and respectfully request that they be passed to allowance.

No additional fees are believed to be due. In the event that additional fees are due or a credit for an overpayment is due, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126.

The Examiner is invited to contact the undersigned by telephone or email if the Examiner believes that such a communication would advance the prosecution of the present invention.

**RESPECTFULLY SUBMITTED,**

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